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EXAMINER

MA, JOHNNY

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/726,367	<b>Applicant(s)</b> CHAPMAN ET AL.	
	<b>Examiner</b> Johnny Ma	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION


1. In view of the appeal brief filed on 6/8/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2623

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 7, 9-11, 13, 14, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann (US 5,883,677) in further view of Chaney et al. (US 5,867,207) and Norin et al. (US 6,434,384 B1).

As to claim 1, note the Hofmann reference that teaches a method and apparatus for managing multiple outside video service providers. The claimed “broadcasting first program guide information describing the first set of programs to the subscribers [...]” and “broadcasting second program guide information describing the second set of programs” is met by “[f]irst, at least two signals each from a different source and originating from outside the home are received where each of the two signals contains a respective program information stream” (Hofmann 2:29-35). Note the Hofmann et al. reference teaches providing the first program guide information on a first signal and the second program guide information on a second signal. However, the Hofmann et al. reference does not specifically teach providing the first and second program guide information on a first service channel. Now note the Chaney et al. reference that teaches a program guide in a digital video system wherein “[e]ach service of each program is identified by a unique Service Component Identifier (SCID), a service channel (Chaney 4:20-25). The claimed program guide information provided on a “first service channel” is met by the assignment of a specific SCID to the program guide packetized data (Chaney 4:60-65) wherein the Chaney et al. reference teaches that the subject matter of this system is applicable to both satellite and terrestrial broadcasting (Chaney 2:66-3:3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2623

modify the Hofmann transmission of program guides on a signal from a given source with the Chaney et al. service channels including the transmission of program guide information on a first service channel for the purpose of providing a means for transmitting program information to a user in a manner that facilitates efficient retrieval of the program guide information from the transmission stream. Although the Hofmann reference teaches the broadcasting/receipt of program guide information from a plurality of different sources (Hofmann 2:29-35), the Hofmann reference does not specifically teach broadcasting the second program guide information to a subset of the subscribers and “wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal”. Now note Norin et al. reference that teaches a non-uniform multi-beam satellite communications system and method wherein “[t]he present invention provides a new and improved, highly efficient system and method for satellite broadcast of local television and other types of service [independently] with larger regional broadcasts” (Norin 2:11-15) and “[i]n the preferred system the majority of the available channels are used for nationwide broadcasts, with the remaining channels reserved for local service beams” (Norin 7:46-48). The claimed “wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal” is met by the “32 transponder channels are typical for satellite television broadcasts in a given service, representing 16 different channels 24 MHz wide and separated by approximately 5 MHz, and two orthogonal polarizations...for each frequency band” (Norin 7:41-46). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hofmann merging of program guide information from a plurality of different sources with the Norin global and

localized (global subset) programming transmissions and different fundamental signal characteristics for the purpose of providing global and local programming while minimizing interference between the different programming streams and providing a more efficient utilization of satellite capacity (Norin 3:15-4:27).

As to claim 2, the claimed “wherein the fundamental signal characteristic is carrier frequency, and the first signal is characterized by a first carrier frequency and the second signal is characterized by a second carrier frequency” is met by the Hofmann, Chaney, and Norin combination as discussed in the rejection of claim 1 wherein global programming and local programming may be transmitted on different frequency bands (Norin 7:41-46).

As to claim 3, the claimed “wherein the fundamental signal characteristic is polarization and the first signal is characterized by a first polarization and the second signal is characterized by a second polarization” is met by the Hofmann, Chaney, and Norin combination as discussed in the rejection of claim 1 wherein global programming and local programming may be transmitted using different polarizations (Norin 7:41-46).

As to claim 6, the claimed “wherein the second signal is a spot beam directed at the subset of subscribers” is met by the local beam broadcast as discussed in the rejection of claim 1.

As to claim 7, please see rejection of claim 1.

As to claims 9-11 and 13-14, please see the rejections of claims 1-3 and 6-7 respectively.

As to claims 34-36, please see rejection of claim 1.

5. Claims 4, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann (US 5,883,677) in further view of Chaney et al. (US 5,867,207), Norin et al. (US 6,434,384 B1), and Stinebruner (US 6,133,910).

As to claim 4, the claimed “wherein the first program guide information includes information describing at least one surrogate channel.” Note the Hofmann reference discloses television schedule guide information can be received from numerous sources (Hofmann 2:29-35) and the guide information is merged (Hofmann 3:20-26). However, the Hofmann reference is silent as to a surrogate channel. Now note the Stinebruner reference that discloses an apparatus and method for integrating a plurality of video sources. The claimed “wherein the first program guide information includes information describing at least one surrogate channel” is met by “[a] DBS content provider may even allocate blank channels to local programming” (Stinebruner 7:27-35). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hofmann multiple program guide information sources with the Stinebruner surrogate channels for the purpose of allowing “individual users in different areas of the country could map local channels to the blank channels without having to move the overlapped channels to other virtual channels” (Stinebruner 7:30-35).

As to claim 5, the claimed “wherein a subscriber selection of at least one of the at least one surrogate channels commands reception of the second signal” is met by the Hofmann and Stinebruner combination wherein if the user selects a channel from a second source then the second source is selected and the appropriate channel tuned (Hofmann 7:64-8:12).

As to claim 12, the claimed “wherein the first program guide information includes information describing at least one surrogate channel.” Note the Hofmann reference discloses television schedule guide information can be received from numerous sources (Hofmann 2:29-35) and the guide information is merged (Hofmann 3:20-26). However, the Hofmann reference

Art Unit: 2623

is silent as to a surrogate channel. Now note the Stinebruner reference that discloses an apparatus and method for integrating a plurality of video sources. The claimed “wherein the first program guide information includes information describing at least one surrogate channel” is met by “[a] DBS content provider may even allocate blank channels to local programming” (Stinebruner 7:27-35). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hofmann multiple program guide information sources with the Stinebruner surrogate channels for the purpose of allowing “individual users in different areas of the country could map local channels to the blank channels without having to move the overlapped channels to other virtual channels” (Stinebruner 7:30-35). The claimed “accepting a selection of at least one of the at least one surrogate channels in a receiver; and receiving the second signal at the second carrier frequency on the first service channel” is met by the Hofmann and Stinebruner combination wherein if the user selects a channel from a second source then the second source is selected and the appropriate channel tuned (Hofmann 7:64-8:12).

6. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann (US 5,883,677) in further view of Chaney et al. (US 5,867,207), Norin et al. (US 6,434,384 B1) and Eyer et al. (US 6,401,242).

As to claim 8, note the Hofmann reference discloses television schedule guide information can be received from numerous sources (Hofmann 2:29-35) and the guide information is merged (Hofmann 3:20-26). However, the Hofmann reference is silent as to “wherein the second signal further includes a portion of the first set of programs and the second program information further describes the portion of the first set of programs.” Now note the



Art Unit: 2623

Eyer et al. reference that discloses a method and apparatus for designating a preferred source to avoid duplicative programming services. The claimed “wherein the second signal further includes a portion of the first set of programs and the second program information further describes the portion of the first set of programs” is met by some of the programming received from CATV may also be included in the program services transmitted via satellite wherein a CATV operator may prefer to have the CATV programming service recovered since CATV technology presently allows the insertion of local commercials (Eyer 6:23-39). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hofmann television schedule guide with the Eyer duplicative programming for the purpose of avoiding duplicative programming services and allowing the designation of a preferred source so that users may be presented programming with local advertisements to improve advertisement revenue.

As to claim 15, please see rejection of claim 8.

7. Claims 16-18, 20, 21, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (US 6,072,983) in further view of Chaney et al. (US 5,867,207) and Norin et al. (US 6,434,384 B1).

As to claim 16, note the Klosterman reference that discloses merging multi-source information in a television system wherein sources of television schedule guide information include “an incoming cable line (e.g., on a coax cable), satellite broadcasts, a dedicated telephone line (e.g., twisted pair), and any other medium capable of transmitting a signal” (Klosterman 3:5-10). The claimed “user interface for accepting subscriber commands” is met by “[r]emote 32 can be utilized by the user to program coordinator 20 or to move between different

Art Unit: 2623

channels, times and shows in grid guide 50” (Klosterman 8:5-7). The claimed “tuner selectably configurable to receive [...] a first signal and [...] a second signal” is met by the tuner for the receipt of program schedule information from each distinct source (Klosterman 4:55-5:21). The claimed “the first signal comprising a first set of programs and first program information describing the first set of programs” is met by “IRD box 28 receives television programs along with other information via, in one embodiment, satellite dish 29. IRD box 28 then provides program schedule information to the system” (Klosterman 4:55-58) wherein broadcasting is inherent to receipt of the television programs and other information. The claimed “second signal comprising a second set of programs and second program guide information describing the second set of programs” is met by “program guide information can be received through cable box 26, other inputs 30, antennae 34, and/or through any other transmission medium (e.g., dedicated twisted pair telephone line). Each of these sources may also be provided with television schedule data within the signal transmitted by the service provider” (Klosterman 4:66-5:4) wherein the second program guide info may comprise local channels (Klosterman 3:38-40) the recipients of the local channels comprising a subset of the DBS channels. Note the Klosterman reference teaches that program information can be received via a transponder on DBS (Klosterman 6:1-3). However, the Klosterman reference does not specifically disclose the transmission of the first and second set of program information on a first service channel. Now note the Chaney et al. reference that teaches a program guide in a digital video system wherein “[e]ach service of each program is identified by a unique Service Component Identifier (SCID), a service channel (Chaney 4:20-25). The claimed program guide information provided on a “first service channel” is met by the assignment of a specific SCID to the program guide

Art Unit: 2623

packetized data (Chaney 4:60-65) wherein the Chaney et al. reference teaches that the subject matter of this system is applicable to both satellite and terrestrial broadcasting (Chaney 2:66-3:3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman tuner for receiving program with the Chaney et al. service channels including the transmission of program guide information on a first service channel for the purpose of providing a means for transmitting program information to a user in a manner that facilitates efficient retrieval of the program guide information from the transmission stream. Note the Klosterman reference discloses “television channel broadcasts are received from at least two separate sources such as (1) cable and a satellite dish, or (2) two different satellites, or (3) local cable and DBS sources” (Klosterman 3:9-14). However, the Klosterman reference is silent as to different fundamental signal characteristics. Now note Norin et al. reference that teaches a non-uniform multi-beam satellite communications system and method wherein “[t]he present invention provides a new and improved, highly efficient system and method for satellite broadcast of local television and other types of service [independently] with larger regional broadcasts” (Norin 2:11-15) and “[i]n the preferred system the majority of the available channels are used for nationwide broadcasts, with the remaining channels reserved for local service beams” (Norin 7:46-48). The claimed “wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal” is met by the “32 transponder channels are typical for satellite television broadcasts in a given service, representing 16 different channels 24 MHz wide and separated by approximately 5 MHz, and two orthogonal polarizations...for each frequency band” (Norin 7:41-46). Therefore, the examiner submits that it would have been obvious to one

Art Unit: 2623

of ordinary skill in the art at the time the invention was made to modify the Klosterman merging of program guide information from a plurality of different sources with the Norin global and localized (global subset) programming transmissions and different fundamental signal characteristics for the purpose of providing global and local programming while minimizing interference between the different programming streams and providing a more efficient utilization of satellite capacity (Norin 3:15-4:27). The claimed “processor, communicatively coupled to the user interface and the tuner, for retrieving the first program information and the second program information for providing the first and second program information to a presentation device, and for accepting subscriber commands from the user interface” is met by “[c]oordinator 20 includes processor (CPU) 36 and memory (RAM)...and receives input from the remote” (Klosterman 4:27-40) wherein the coordinator takes the television schedule information from the available source(s) or a data input line and sorts/mixes it (Klosterman 5:64-67) and subsequently displayed (Klosterman 6:45-67).

As to claim 17, please see rejection of claim 16.

As to claim 18, please see rejection of claim 16.

As to claims 20-21, is met by the rejection of claim 16, wherein the Norin reference discloses spot beaming (Norin 2:22-26) a second (i.e., local) signal to a subset of subscribers designated to receive said second set of programs (i.e., local television broadcast as opposed to larger regional broadcast) (Norin 2:12-15), for the purpose of allowing for a cost effective way of achieving higher overall system throughput (i.e. spot beaming allows an efficient method of transmitting both local and regional broadcasts) (Norin 2:17-26).

As to claim 37, please see rejection of claim 16.

Art Unit: 2623

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (US 6,072,983) in further view of Chaney et al. (US 5,867,207), Norin et al. (US 6,434,384 B1), and Stinebruner (US 6,133,910).

As to claim 19, the claimed “wherein the first program guide information includes information describing at least one surrogate channel.” Note the Klosterman reference discloses “television schedule guide information can be received from numerous sources” (Klosterman 3:4-5) and the guide information is merged (Klosterman 6:14-17). However, the Klosterman reference is silent as to a surrogate channel. Now note the Stinebruner reference that discloses an apparatus and method for integrating a plurality of video sources. The claimed “wherein the first program guide information includes information describing at least one surrogate channel” is met by “[a] DBS content provider may even allocate blank channels to local programming” (Stinebruner 7:27-35). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman multiple program guide information sources with the Stinebruner surrogate channels for the purpose of allowing “individual users in different areas of the country could map local channels to the blank channels without having to move the overlapped channels to other virtual channels” (Stinebruner 7:30-35). The claimed “the subscriber commands include a command to select at least one of the at least one surrogate channels; and the processor further tunes the tuner to receive the second program guide information in response to the command to select at least one of the at least one surrogate channels” is met by the Klosterman and Stinebruner combination wherein if the user selects a channel from a second source then the second source is selected and the appropriate channel tuned (Klosterman 8:25-62).

Art Unit: 2623

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable Klosterman (US 6,072,983) in further view of Chaney et al. (US 5,867,207), Norin et al. (US 6,434,384 B1), Stinebruner (US 6,133,910), and Eyer et al. (US 6,401,242).

As to claim 22, note the Klosterman reference discloses television schedule guide information and television channel broadcasts can be received from numerous sources (Klosterman 3:3-13). However, the Klosterman reference is silent as to “wherein the second signal further includes a portion of the first set of programs and the second program information further describes the portion of the first set of programs.” Now note the Eyer et al. reference that discloses a method and apparatus for designating a preferred source to avoid duplicative programming services. The claimed “wherein the second signal further includes a portion of the first set of programs and the second program information further describes the portion of the first set of programs” is met by some of the programming received from CATV may also be included in the program services transmitted via satellite wherein a CATV operator may prefer to have the CATV programming service recovered since CATV technology presently allows the insertion of local commercials (Eyer 6:23-39). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman television schedule guide with the Eyer duplicative programming for the purpose of avoiding duplicative programming services and allowing the designation of a preferred source so that users may be presented programming with local advertisements to improve advertisement revenue.

Art Unit: 2623

10. Claims 23-28, 31, 32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (US 6,072,983) in further view of Chaney et al. (US 5,867,207), and Norin et al. (US 6,434,384 B1).

As to claim 23, note the Klosterman reference that discloses merging multi-source information in a television system wherein sources of television schedule guide information include “an incoming cable line (e.g., on a coax cable), satellite broadcasts, a dedicated telephone line (e.g., twisted pair), and any other medium capable of transmitting a signal” (Klosterman 3:5-10). The claimed “a compiler, configured to segment the programs into the first set of programs and the second set of programs, and to generate first program guide information describing the first set of programs and second program guide information describing the second set of programs.” Note the Klosterman reference discloses each of the program sources may also provide television schedule data within the signal transmitted by the service provider (Klosterman 5:1-4) wherein the program guide data is segmented into distinct sets of programs and it is inherent that such program guide information be compiled. However, the Klosterman reference is silent as to a compiler configured to perform this function. Now note the Thomas et al. reference that discloses “[i]t is therefore an object of the present invention to provide an EPG data management and distribution system that collects data from multiple sources, processes the data to create a global database of television program schedule information, and distributes customized EPGs to a plurality of EPG providers (Thomas 3:43-47). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman transmission of EPG data with the Thomas et al. centralized segmentation of EPG data for the purpose of providing a central site/source that may

Art Unit: 2623

parse all relevant program guide information and make such information available for broadcast without requiring each site to compile program data individually. The claimed “a first transmitter, communicatively coupled to the compiler, for transmitting first program guide information describing the first set of programs [...] on the first signal is met by “IRD box 28 receives television programs along with other information via, in one embodiment, satellite dish 29. IRD box 28 then provides program schedule information to the system” (Klosterman 4:55-58) wherein broadcasting transmitter is inherent to receipt of the television programs and other information. The claimed “second transmitter, communicatively coupled to the compiler, for transmitting the second program guide information describing the second set of programs [...] on the second signal” is met by “program guide information can be received through cable box 26, other inputs 30, antennae 34, and/or through any other transmission medium (e.g., dedicated twisted pair telephone line). Each of these sources may also be provided with television schedule data within the signal transmitted by the service provider” (Klosterman 4:66-5:4) wherein the second program guide info may comprise local channels (Klosterman 3:38-40) the recipients of the local channels comprising a subset of the DBS channels. However, the Klosterman reference does not specifically disclose the transmission of the first and second set of program information on a first service channel. Now note the Chaney et al. reference that teaches a program guide in a digital video system wherein “[e]ach service of each program is identified by a unique Service Component Identifier (SCID), a service channel (Chaney 4:20-25). The claimed program guide information provided on a “first service channel” is met by the assignment of a specific SCID to the program guide packetized data (Chaney 4:60-65) wherein the Chaney et al. reference teaches that the subject matter of this system is applicable to both



Art Unit: 2623

satellite and terrestrial broadcasting (Chaney 2:66-3:3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman tuner for receiving program with the Chaney et al. service channels including the transmission of program guide information on a first service channel for the purpose of providing a means for transmitting program information to a user in a manner that facilitates efficient retrieval of the program guide information from the transmission stream. Note the Klosterman reference discloses “television channel broadcasts are received from at least two separate sources such as (1) cable and a satellite dish, or (2) two different satellites, or (3) local cable and DBS sources” (Klosterman 3:9-14). However, the Klosterman reference is silent as to different fundamental signal characteristics. Now note Norin et al. reference that teaches a non-uniform multi-beam satellite communications system and method wherein “[t]he present invention provides a new and improved, highly efficient system and method for satellite broadcast of local television and other types of service [independently] with larger regional broadcasts” (Norin 2:11-15) and “[i]n the preferred system the majority of the available channels are used for nationwide broadcasts, with the remaining channels reserved for local service beams” (Norin 7:46-48). The claimed “wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal” is met by the “32 transponder channels are typical for satellite television broadcasts in a given service, representing 16 different channels 24 MHz wide and separated by approximately 5 MHz, and two orthogonal polarizations...for each frequency band” (Norin 7:41-46). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman merging of program guide information from a

Art Unit: 2623

plurality of different sources with the Norin global and localized (global subset) programming transmissions and different fundamental signal characteristics for the purpose of providing global and local programming while minimizing interference between the different programming streams and providing a more efficient utilization of satellite capacity (Norin 3:15-4:27).

As to claims 24-25, please see rejection of claim 23.

As to claim 26, the claimed “wherein the first transmitter comprises a first transponder and the second transmitter comprises a second transponder” is met by the Klosterman and Norin combination as discussed in the rejection of claim 23 wherein global and local programs may be transmitted on different transponders.

As to claim 27, the claimed “wherein the first transponder and the second transponder are disposed on a satellite” is met by the Klosterman and Norin combination as discussed in the rejection of claim 23 wherein the Norin reference teaches that “[w]hile all beams may be broadcast from a single satellite, situations may arise that could lead to a distribution of beams among multiple satellites” (Norin 7:58-60).

As to claim 28, the claimed “wherein the first transponder is disposed on a first satellite and the second transponder is disposed on a second satellite” is met by television channel broadcasts are received from at least two separate sources such as two different satellites (Klosterman 3:1-17) wherein a first transponder on a first satellite and a second transponder on a second satellite are inherent to their respective transmissions of programming and television schedule guide information. Further note, the Klosterman reference discloses “[f]urthermore, when program information is received from multiple satellite sources and a desired channel is selected, the preset invention can, in one embodiment, automatically move the customer’s

Art Unit: 2623

satellite dish such that the customer receives the desired program from the associated source” (Klosterman 3:29-34). However, the Klosterman reference is silent as to the first satellite and the second satellite are disposed within a beamwidth of a receiver antenna. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art that plural satellites may be disposed within a beamwidth of a receiver antenna for the purpose of providing data from such plural satellites without requiring a receiver antenna to be repositioned each time data is needed from a particular satellite and for the purpose of alleviating the delay in repositioning a satellite to receive requested data. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman plural satellite sources with the satellites disposed within a beamwidth of a receiver antenna for the above stated advantages.

As to claims 31-32 are met by that discussed in the rejection of claim 23.

As to claim 38, please see rejection of claim 23.

11. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (US 6,072,983) in further view of Chaney et al. (US 5,867,207), Norin et al. (US 6,434,384 B1), and Stinebruner (US 6,133,910).

As to claim 29, the claimed “wherein the first program guide information includes information describing at least one surrogate channel.” Note the Klosterman reference discloses “television schedule guide information can be received from numerous sources” (Klosterman 3:4-5) and the guide information is merged (Klosterman 6:14-17). However, the Klosterman reference is silent as to a surrogate channel. Now note the Stinebruner reference that discloses an apparatus and method for integrating a plurality of video sources. The claimed “wherein the

Art Unit: 2623

first program guide information includes information describing at least one surrogate channel” is met by “[a] DBS content provider may even allocate blank channels to local programming” (Stinebruner 7:27-35). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman multiple program guide information sources with the Stinebruner surrogate channels for the purpose of allowing “individual users in different areas of the country could map local channels to the blank channels without having to move the overlapped channels to other virtual channels” (Stinebruner 7:30-35).

As to claim 30, the claimed “wherein a subscriber selection of at least one of the at least one surrogate channels commands reception of the second signal” is met by the Klosterman and Stinebruner combination wherein if the user selects a channel from a second source then the second source is selected and the appropriate channel tuned (Klosterman 8:25-62).

12. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (US 6,072,983) in further view of Chaney et al. (US 5,867,207), Norin et al. (US 6,434,384 B1), and Eyer et al. (US 6,401,242).

As to claim 33, note the Klosterman reference discloses television schedule guide information and television channel broadcasts can be received from numerous sources (Klosterman 3:3-13). However, the Klosterman reference is silent as to “wherein the second signal further includes a portion of the first set of programs and the second program information further describes the portion of the first set of programs.” Now note the Eyer et al. reference that discloses a method and apparatus for designating a preferred source to avoid duplicative programming services. The claimed “wherein the second signal further includes a portion of the

Art Unit: 2623

first set of programs and the second program information further describes the portion of the first set of programs” is met by some of the programming received from CATV may also be included in the program services transmitted via satellite wherein a CATV operator may prefer to have the CATV programming service recovered since CATV technology presently allows the insertion of local commercials (Eyer 6:23-39). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Klosterman television schedule guide with the Eyer duplicative programming for the purpose of avoiding duplicative programming services and allowing the designation of a preferred source so that users may be presented programming with local advertisements to improve advertisement revenue.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

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